

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant	: Jun-Ichi Nezu <i>et al.</i>	Art Unit	: 1647
Serial No.	: 10/762,154	Examiner	: Bridget E. Bunner
Filed	: January 21, 2004	Conf. No.	: 4898
Title	: POLYNUCLEOTIDES ENCODING hOCTN1 POLYPEPTIDE		

**Mail Stop Appeal Brief - Patents**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**LETTER ACCOMPANYING AMENDED APPEAL BRIEF**

The Amended Appeal Brief that is being filed with this letter replaces the Amended Appeal Brief filed on March 24, 2009. Applicants inadvertently omitted attaching Exhibits A-D that are referenced in the Amended Appeal Brief. This filing is made to correct that omission.

A Notice of Appeal was filed in this application on May 26, 2008. An Appeal Brief was filed on October 27, 2008, with a five-month extension of time. An Examiner's Answer issued on January 26, 2009.

Appellants recently became aware that the "Real Party in Interest" section in the Appeal Brief filed October 27, 2008 was incomplete. The "Real Party in Interest" section in the Appeal Brief filed October 27, 2008 stated: "The Real Party in Interest is Chugai Seiyaku Kabushiki Kaisha, the assignee of record."

Appellants have amended this section in the attached Amended Brief on Appeal to recite: "The Real Party in Interest is Chugai Seiyaku Kabushiki Kaisha, the assignee of record, which is also known as Chugai Pharmaceutical Co. Ltd., and which is 60% owned by Roche Pharmholding BV, thereby making it a member of the Roche family of companies owned of record by Roche Holding Ltd."

The Appeal Brief filed October 27, 2008 authorized payment of fees in the amount of \$540.00 by way of Deposit Account authorization. As that payment has already been charged to the Deposit Account and it is believed no further fee is due for this Amended Brief on Appeal, that authorization has been removed from the Amended Brief on Appeal.

**CERTIFICATE OF MAILING BY EFS-WEB FILING**

I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: March 25, 2009

Other than the amendment to the "Real Party in Interest" section and removal of the statement regarding payment of \$540.00 by way of Deposit Account authorization, no changes have been made to the content of the Appeal Brief filed October 27, 2008.

No fees are believed to be due in connection with this filing; however, if any fees are due please apply any other necessary charges, or any credits, to Deposit Account No. 06-1050, referencing Attorney Docket No. 14875-0057002.

Respectfully submitted,

Date: March 25, 2009

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